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Attorney Docket No. CST-138 CIP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Comber et al.  
ASSIGNEE: CELL SIGNALING TECHNOLOGY, INC.  
SERIAL NUMBER: 09/535,364 EXAMINER: P. Ponnaluri  
FILING DATE: March 24, 2000 ART UNIT: 1639  
FOR: PRODUCTION OF MOTIF-SPECIFIC AND CONTEXT-INDEPENDENT ANTIBODIES  
USING PEPTIDE LIBRARIES AS ANTIGENS

November 12, 2002  
Beverly, Massachusetts

BOX Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO COMMUNICATION FROM EXAMINER**

This paper is in response to the October 18, 2002 Communication from the Examiner issued in the above-identified patent application. The Examiner's Communication was mailed in response to Applicants' previous Response to Restriction Requirement timely filed on August 9, 2002. The present paper is filed following a recent exchange of telephone calls with the Examiner, pertaining to the same subject, and is due on or before November 13, 2002.

Applicant's note that the Examiner's Art Group has changed to Unit 1639.

In the Communication, the Examiner states that Applicants' Response to Restriction has been received and entered into the record, but is considered not fully responsive for failure to provisionally elect a single species of 'kinase consensus' motifs, as required in the Restriction Requirement. In a telephone call to the Examiner on October 25<sup>th</sup>, Applicants drew the Examiner's attention to the first paragraph on the second page of the previously-filed Response, where Applicants made a provisional election (with traverse) of the claims of Group V, kinase consensus species, and phosphorylated sub-species.

In a subsequent responsive call to the Examiner on October 29<sup>th</sup>, Applicants further provisionally elected (with respect to the species recited in dependent claim 29) the preferred species of Akt consensus substrate motifs, with traverse. Applicants confirm this provisional

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U.S.S.N.: 09/535,364

species election here, and renew their request for reconsideration/traverse of the restriction requirement for the reasons set forth in the previously-filed Response. 37 C.F.R. §§ 1.143, 1.144.

Applicants respectfully request favorable re-consideration of the outstanding restriction requirement with respect to Groups V-VIII (claims 27-38). The claims are believed to be in condition for immediate allowance, and early consideration leading to prompt issuance is earnestly solicited.

If there are any questions regarding these remarks, the Examiner is requested to call the undersigned attorney at the telephone number provided.

Respectfully submitted,

  
James Gregory Cullen, Reg. No. 43,569  
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Dated: 11/12/02

Date of Facsimile: November 12, 2002

Attorney Docket No. CST-138 EIP

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, and any documents referred to as attached hereto, is/are being transmitted to the United States Patent and Trademark Office, An Unit No. 1639, dedicated Facsimile Number: (703) 308-4315 on this 12th day of November, 2002.

  
James Gregory Cullen, Esq.

November 12, 2002  
Beverly, Massachusetts

Attached hereto for filing in the above-identified patent application is/are:

Response to Communication from Examiner (2 pages);

Respectfully submitted,

  
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